

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Bruce Roemmich,)	
)	
Plaintiff,)	SPECIAL CHARGING ORDER
)	PENDING APPEAL
vs.)	
)	
Eagle Eye Development, LLC;)	
Leland Bertsch; Jane Bertsch;)	
Janet Scholl; and Jon Wagner,)	
)	Case No. 1:04-cv-079
Defendants.)	

TO: Eagle Eye Development, LLC and Leland Bertsch in his capacity as the President and Chief Operating Officer of Eagle Eye Development, LLC

Reference is made to the judgment entered on December 29, 2006, in the above action that, in relevant part, awarded a monetary judgment in favor of Eagle Eye Development, LLC and Leland Bertsch, jointly, against Bruce Roemmich in the amount of \$71,188.62, which judgment bears interest at the post-judgment rate of 4.99%. Reference is further made to the Bruce Roemmich's request for stay of enforcement of the judgment pending appeal and the court's order granting the stay pending further order of the court.

Pursuant to the provisions of N.D.C.C. § 10-32-34, it hereby **ORDERED** as follows:

1. Bruce Roemmich's financial rights in Eagle Eye Development, LLC are hereby **CHARGED** with the above referenced judgment in favor of Eagle Eye Development, LLC and Leland Bertsch, jointly, including post-judgment interest. The purpose of this charge is to give Eagle Eye Development, LLC and Leland Bertsch a lien interest over the referenced financial rights, subject to the limitations imposed by N.D.C.C. § 10-32-34 and the specific terms of this order, to (1) secure payment of the above judgment and accrued interest and (2) to provide security for

any additional costs and fees that may be taxed by the court as a result of the pending appeal.

2. The charge imposed by this order shall provide Eagle Eye Development, LLC and Leland Bertsch, jointly, the maximum priority allowed by law with respect to any claims by third parties with respect to the financial rights that are the subject of the charge.
3. Eagle Eye Development, LLC shall keep a copy of this charging order as part of its financial records and provide a copy to any person seeking to make any claim against the above referenced financial rights.
4. While this charging order remains in place, the court shall retain jurisdiction over the financial rights of Bruce Roemmich in Eagle Eye Development, LLC. Any membership distributions made by Eagle Eye Development, LLC in favor of Roemmich shall be placed by Eagle Eye Development, LLC in a separate interest-bearing account at a federally insured financial institution to be held until further order of the court subject to the charge imposed by this order. Upon completion of the appeal in the above action, any interested party may move the court for an order for distribution of the deposited amounts as the interests of the parties then appear.
5. Eagle Eye Development, LLC and its officers and members are hereby enjoined from making any financial distributions or payments relative to the financial rights of Bruce Roemmich in Eagle Eye Development, LLC that are inconsistent with this order.

Dated this 3rd day of May, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge